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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,611	04/13/2006	Arun Ramaswamy	20004/67-US	9094

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EXAMINER	
TAHA, SHAQ	

ART UNIT	PAPER NUMBER
2146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/540,611	RAMASWAMY ET AL.	
	Examiner	Art Unit	
	SHAQ TAHA	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is a Non-final action for application number 10/540,611 filed on 06/24/2005. Claims 1 – 14 are currently pending and have been considered below. Claim 1 is an independent claim.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, and 9 – 13, are rejected under 35 U.S.C. 102(e) as being anticipated by Meyer et al. (US 2001/0031066).

Regarding claim 1, a method for transcoding a media signal comprising: extracting metadata from the media signal to form extracted metadata, **[A decoding device or programmatic process extracts the identifier from the object and uses it to retrieve related data or actions metadata, (Meyer et al., Paragraph 14, Page 2)],**

and converting the extracted metadata from a first media format associated with a first media consumption device to a second media format associated with a second media consumption device to form converted media information, **[a programmed computer or other device extracts an audio object from packaged media such as a CD and converts it into a coded file format like MP3, (Meyer et al., Paragraph 28, Page 4),**

wherein the first media consumption device and the second media consumption device are configurable to be communicatively coupled to a network, **[an identifier links audio objects to metadata via an electronic network, such as the Internet, a wireless network, or a broadcast network as shown in Fig. 1, (Meyer et al., Paragraph 17, Page 2)].**

Regarding claim 2, a method as defined in claim 1, further comprising converting media content associated with the media signal from a third media format to a fourth media format to form the converted media information, **[when a device or programmatic process converts a song from a format stored on packaged media, like a CD or DVD, to an electronic, and compressed form, such as MP3 or some other audio codec, (Meyer et al., Paragraph 37, Page 5)].**

Regarding claim 3, a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises identifying at least one of the first media format and second media format prior to converting the extracted metadata, **[Referring now to**

FIG. 13, a device building module 480, which contains an output router 482, a data bus 481, and various device output format modules 582, 583, 584, 585, 586, 587, 589, and 590, (Sena et al., Paragraph 87, Page 8)].

Regarding claim 4, a method as defined in claim 3, wherein identifying the at least one of the first media format and the second media format comprises identifying a media format detectable by a metering device associated with the second media consumption device, **[the local application continues to execute a detection process on the media signal as it arrives until it has extracted the identifier, (Meyer et al., Paragraph 100, Page 10)].**

Regarding claim 5, a method as defined in claim 4, wherein identifying the media format detectable by the metering device comprises identifying at least one of an audio watermark sensor, a video watermark sensor, a digital bitstream sensor, a database sensor, and a software sensor associated with the metering device, **[a detector to extract an embedded watermark from a media signal, the watermark including identifying information for the media signal, (Meyer et al., Paragraph 120 Page 11)].**

Regarding claim 9, a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises: generating a watermark based on the second media format, **[watermarking process may be used to encode different watermarks in the various channels of an audio signal, (Meyer et al., Paragraph 43, Page 5)],**

and inserting the watermark in the converted media information, **[insert the new watermark in unmarked portions of the media object or in a non-interfering transform domain, (Meyer et al., Paragraph 88, Page 9)].**

Regarding claim 10, a method as defined in claim 9 further comprising providing correlation information associated with the watermark and the converted media information to at least one of a data measurement collection device and a data collection facility, **[Another type of server action is to initiate a process of searching a database, a collection of databases or the Internet for additional information related to a linked media object, (Meyer et al., Paragraph 78, Page 8)].**

Regarding claim 11, a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises: encoding the extracted metadata in the second media format, **[an embedding process encodes the identifier in the audio file (e.g., a tag in a file header or footer), in the audio signal (a digital watermark), or in the physical packaging, (Meyer et al., Paragraph 17, Page 2)],**

and digitally inserting encoded metadata into a bitstream associated with the converted media information, **[when the user requests a file in a streaming or a compressed file format via the Internet using her browser, the decoding process that map the identifier to metadata can use this information to determine the types of information to provide, (Meyer et al., Paragraph 40, Page 5)].**

Regarding claim 12, a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises converting the extracted metadata to cause converted media content to be stored in a database, **[the registration process provides an identifier and stores a database record of the association between identifier and the object or other information used in decoding to identify the object, (Meyer et al., Paragraph 18, Page 2)].**

Regarding claim 13, a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises converting the extracted metadata to cause converted metadata to be extracted from the second media consumption device based on an application program interface associated with the second media consumption device, **[a number of program modules may be stored in the drives and RAM 1225, including an operating system 1235, one or more application programs 1236, other program modules 1237, and program data 1238, (Meyer et al., Paragraph 110, Page 11)].**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US 2001/0031066), in view of Cho et al. (US 2002/0197063).

Regarding claim 6, Meyer et al. teaches a method as defined in claim 1, wherein converting the extracted metadata from the first media format to the second media format to form the converted media information comprises: detecting a watermark associated with the media signal, **[The local application includes a watermark detector that reads at least a portion of the media signal from package, detects the watermark, and reads the identifier embedded in the watermark, (Meyer et al., Paragraph 97, Page 10)],**

Meyer et al. fails to teach identifying and modifying a signal compression ratio associated with the watermark;

Cho et al. teaches a method and apparatus for recording and searching an audio/video signal wherein the method for compressing an A/V signal at a compression ratio determined based on the category item of the A/V signal when recording the A/V

signal to a storage medium, **(Cho et al., Paragraph 9, Page 1)**, to provide a method and apparatus for extracting a category item from an audio/video (A/V) signal to be recorded to a storage medium, storing the extracted category item, and searching for the A/V signal using the category item, **(Cho et al., Paragraph 8, Page 1)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Meyer et al. by identifying and modifying a signal compression ratio associated with the watermark wherein Cho et al. teaches a method and apparatus for recording and searching an audio/video signal wherein the method for compressing an A/V signal at a compression ratio determined based on the category item of the A/V signal when recording the A/V signal to a storage medium, **(Cho et al., Paragraph 9, Page 1)**, to provide a method and apparatus for extracting a category item from an audio/video (A/V) signal to be recorded to a storage medium, storing the extracted category item, and searching for the A/V signal using the category item, **(Cho et al., Paragraph 8, Page 1).**

Regarding claim 14, Meyer et al. teaches a programmed computer or other device extracts an audio object from packaged media such as a CD and converts it into a coded file format like MP3, **(Meyer et al., Paragraph 28, Page 4),**

Meyer et al. fails to teach that when extracting the metadata from the media signal comprises demultiplexing the media signal,

Cho et al. teaches a first storage medium storing one or more A/V signals, a demultiplexing processor demultiplexing an input A/V signal, **(Cho et al., Paragraph 16, Page 1)**, to provide a method and apparatus for extracting a category item from an audio/video (A/V) signal to be recorded to a storage medium, storing the extracted category item, and searching for the A/V signal using the category item, **(Cho et al., Paragraph 8, Page 1)**,

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Meyer et al. extracting the metadata from the media signal comprises demultiplexing the media signal, wherein Cho et al. teaches a first storage medium storing one or more A/V signals, a demultiplexing processor demultiplexing an input A/V signal, **(Cho et al., Paragraph 16, Page 1)**, to provide a method and apparatus for extracting a category item from an audio/video (A/V) signal to be recorded to a storage medium, storing the extracted category item, and searching for the A/V signal using the category item, **(Cho et al., Paragraph 8, Page 1).**

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (US 2001/0031066), in view of Cho et al. (US 2002/0197063), further in view of Coulombe et al. (2003/0055949).

Regarding claim 7 and 8, The modified Meyer teaches a programmed computer or other device extracts an audio object from packaged media such as a CD and converts it into a coded file format like MP3, **(Meyer et al., Paragraph 28, Page 4),**

The modified Meyer fails to teach comparing and changing an output bit rate associated with the signal compression ratio to a network bit rate associated with the network,

Coulombe et al. teaches comparing the perceived bit rate to thresholds or ranges, **(Coulombe et al., Paragraph 70, Page 4)**, and a determination is made as to whether change in the perceived bit rate requires reporting to the adaptor, **(Coulombe et al., Paragraph 105, Page 6),** to estimate the bit rate for each transaction unit, an amount of data transferred in bits, the time the response was sent and the time the acknowledgement was received are tracked, **(Coulombe et al., Paragraph 31, Page 2)**

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the modified Meyer by comparing and changing an output bit rate associated with the signal compression ratio to a network bit rate associated with the network, wherein Coulombe et al. teaches comparing the perceived bit rate to thresholds or ranges, **(Coulombe et al., Paragraph 70, Page 4)**, and a determination is

made as to whether change in the perceived bit rate requires reporting to the adaptor, **(Coulombe et al., Paragraph 105, Page 6),** to estimate the bit rate for each transaction unit, an amount of data transferred in bits, the time the response was sent and the time the acknowledgement was received are tracked, **(Coulombe et al., Paragraph 31, Page 2).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Shaq Taha** whose telephone number is 571-270-1921. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Pwu** can be reached on 571-272-6798.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/S. T./

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146